



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

JUN 1 1999

9490 '99 JUN -2 P2:19

The Honorable Bob Graham
United States Senator
2252 Killearn Center Boulevard, Third Floor
Tallahassee, Florida 32308

Dear Senator Graham:

Thank you for your letter of May 18, 1999, on behalf of Commissioner Clarence Williams, Chairman of Florida's Franklin County Board of County Commissioners, concerning the petition for a performance standard for *Vibrio Vulnificus* in raw shellfish filed with the Food and Drug Administration (FDA or the Agency) by the Center for Science in the Public Interest (CSPI). As you may know, FDA published a request for comments on this petition in the Federal Register of January 21, 1999. We have enclosed a copy for your reference.

You forwarded a resolution adopted by the Franklin County Board of County Commissioners on April 20, 1999. Briefly, this resolution states its opposition to mandatory pasteurization of shellfish products, citing the adverse economic impact it would have on the Florida shellfish industry. It recommends that FDA continue to work with the shellfish industry toward greater consumer education and awareness. We appreciate you bringing your constituent's comments to our attention and we have entered them into the Administrative Record for this petition. They will be reviewed in the Agency's deliberations on this petition.

We trust this information responds to your concerns. Please contact us if we may be of further assistance in this matter.

Sincerely,

Melinda K. Plaisier
Interim Associate Commissioner
for Legislative Affairs

Enclosure

cc: Document Management Branch (No. 98P-0504)

98P-0504

ANS 23

United States Senate

WASHINGTON, DC 20510-0903

May 18, 1999

Ms. Diane Thompson
Associate Commissioner, Legislative Affairs
Food and Drug Administration
1555 Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

Dear Ms. Thompson:

Enclosed is a letter from Commissioner Clarence Williams regarding a resolution that was recently passed by the Franklin County Board of County Commissioners.

I would appreciate your reviewing the information that has been presented and providing me with your comments. Please address your reply to my state office:

2252 Killearn Center Boulevard, Third Floor
Tallahassee, Florida 32308
Attention: Ms. Pat Grise'

Office: (850) 907-1100
Direct line: (850) 907-1109
Facsimile: (850) 894-3222.

Your cooperation and assistance are greatly appreciated. I look forward to hearing from you soon.

With kind regards,

Sincerely,



United States Senator

BG/pdg

Enclosure

No. 99-3515

RESOLUTION

BOARD OF COUNTY COMMISSIONERS FRANKLIN COUNTY

WHEREAS, Apalachicola Bay and Franklin County produces delicious and healthy oysters and up to 10% of the oysters produced in America, and

WHEREAS, Oysters and other shellfish are a treasured taste treat for millions of American in every state; and

WHEREAS, The American consumer has always enjoyed a fundamental choice between products of all types; and

WHEREAS, Personal responsibility and care for one's own health and well-being are commonly agreed upon tenets of American life; and

WHEREAS, Important emerging technologies are now making it possible for consumers of oysters and other shellfish products to choose between traditional raw shellfish products and "treated" or pasteurized shellfish products in a competitive free market environment, and

WHEREAS, It is widely accepted by all parties involved that "treated" oysters will both fundamentally change the condition of raw shellfish, and that such treatment raises the wholesale price of oysters from the current price of approximately eight cents apiece by another six to eight cents apiece, and

WHEREAS, It is reasonable to expect in a free market economy that these higher prices will then be passed along to the consumer, resulting in lower demand for oysters, and

WHEREAS, America's shellfish industry is heavily populated by small self-employed harvesters and leaseholders already operating on limited incomes, and

WHEREAS, Lower consumer demand could further threaten the small shellfish industry and the livelihood of thousands of area residents and families who are dependent on oyster harvesting and processing for their own well-being, and

WHEREAS, The U.S. Food and Drug Administration has been asked to consider new rules which would force costly and unnecessary post-harvest treatment of oysters, placing product from our area at a severe competitive disadvantage on the open market against product from other regions which will not be required to be treated in the same expensive manner, and

WHEREAS, America's oyster and shellfish industry has worked cooperatively and with great success to educate consumers with certain health conditions and risks which may be affected by certain types of shellfish, and

WHEREAS, These education efforts have been highly successful in reducing health impacts when they have been allowed to fully flourish, and

Now, therefore, BE IT RESOLVED, that a copy of this resolution be forwarded to the U.S. Food and Drug Administration, our Congressional delegation, and Governor and other state elected officials, and

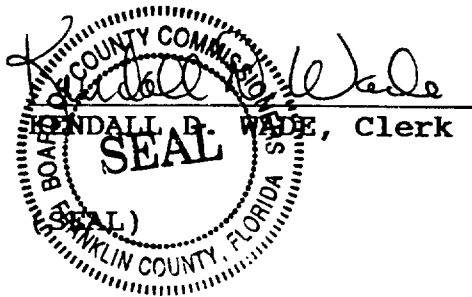
BE IT FURTHER RESOLVED that the Franklin County Board of County Commissioners does hereby encourage the U.S. Food and Drug Administration to reject these costly and unnecessary rules and

regulation in favor of continuing its successful work with America's shellfish industry toward greater consumer education and awareness, and toward the continuation of a competitive market economy system which has served America's consumers well since the founding of our nation.

This Resolution adopted by the Franklin County Board of County Commissioners this 20th day of April, 1999.

ATTEST:

THE FRANKLIN COUNTY BOARD
OF COUNTY COMMISSIONERS



BY: Clarence Williams
CLARENCE WILLIAMS, Chairman